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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA, LINCOLN DIVISION**

LISA NELSON, personally and as assignee of claims belonging to the Shanandoah Trust, H. Telford personally and as assignee to the claims of Marti Lundahl,))
Plaintiff,))
vs.)	Case No. 8:16-CV-368
MOUNTAIN WEST FARM BUREAU))
MUTUAL INSURANCE COMPANY;))
JEFFREY A. DONNELL; GEORGE E.))
POWERS; LAW OFFICES OF))
SUNDAHL, POWERS, KAPP &))
MARTIN, D. CHRISTINSEN, U.S.))
POSTAL EMPLOYEES SUSAN))
AUKEMA AND PAMELLA GEE,))
Defendants.))

MOTION FOR REMAND

Judge Donnell moves to remand this case to state court because he does not consent to removal.

Defendant D. Christensen removed this case on July 28, 2016. Doc. 1. As authority for removal, he cited 28 U.S.C. § 1441(a). *Id.* at 1. “When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. § 1446(b)(2)(A). Otherwise, this Court must remand the action. *See Casey v. F.D.I.C.*, 583 F.3d 586, 591 (8th Cir. 2009).

Nelson served Judge Donnell on July 11, 2016, before Christensen removed this action on July 28, 2016. Exh. A.¹ Thus, removal is only valid under 28 U.S.C. § 1446(b)(2)(A) if Judge Donnell consents to removal. He does not consent. Removal is therefore invalid.

This Court should remand Nelson’s action to state court.

DATED this 5th day of August, 2016.

/s/ Jesse B. Naiman
Jesse B. Naiman, WSB No. 7-5516
Assistant Attorney General

¹ Counsel obtained this document from the Madison County District Court. It should become part of this Court’s records once the Madison County District Court transfers the record.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on the 5th day of August, 2016, to the following individuals:

Lisa Nelson Mail
229 N. Pine Street
Gordon, NE 69343

Marti Lundahl and H. Lundahl Telford Mail
935 Wilderness Trail
Green River, WY 82935

/s/ Heather L. Hunter

Heather L. Hunter
Office of the Wyoming Attorney General